UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,738	08/22/2001	Ingo Molnar	019322-000340	9016

24239   7590   06/23/2008
MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

EXAMINER
CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
06/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 March 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-14_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _22 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Detailed Action

This office action is in response to the correspondence received on March 27, 2008.

Response to Amendment

Applicant's arguments concerning the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Challenger et al (US Pat No: 6,256,712), hereafter referred to as Challenger.

1. With regards to claims 1, 5, 9 and 11, Challenger teaches in a communication

   server, a method of responding to a client application, the method comprising the

   steps of: a cache disposed in an operating system kernel (*Challenger's design*

   uses computer and all current computers inherently require an operating system

   and all current operating systems inherently require a kernel; see column 5, lines

   41-67, Challenger); receiving from the client application an application protocol

   request (*A webpage is a response to a request because a webpage must be*

requested by a client) corresponding to a response that can be displayed as a

combination of a portion of the response that changes and a part of the response

that is static (*Challenger's design allows the webpage (equivalent to the claimed*

response to request) to contain cached (equivalent to the claimed static)

information; see column 2, line 56 – column 3, line 5 and column 13, lines 57-62,

Challenger); creating at the server the portion of the response that changes

(*Challenger's design allows the webpage (equivalent to the claimed response to*

request) to contain newly refreshed content (equivalent to the claimed dynamic

portions); see column 2, lines 55-66 and column 13, line 65 – column 14, line 8,

Challenger); sending the portion of the response that changes to the client

application (*column 28, lines 46-58, Challenger*); retrieving the part of the

response that is static from a cache disposed in an operating system kernel

(*column 13, line 57 – column 14, line 22, Challenger*); and sending the part of the

response that is static to the client application (*column 28, lines 46-58,*

Challenger. Challenger discloses a design enabling the updating content within

a server so that updated content is submitted to the client. The design allows for

current copies of both dynamic and static data (objects) to be cached within the

server (column 2, lines 5-8, Challenger). The cached data (objects) is

consistently updated (column 2, lines 54-55, Challenger). When required, the

data (objects) are dynamically rebuilt and provide the client with updated content

(column 2, line 53 – column 3, line 34, Challenger). Finally, the use of a

cache/buffer/registry within an operating system of a computer is inherent).

While Challenger teaches a system for a dynamic and static webpage, Challenger does not explicitly recite a "request" and a "response to a request." Challenger however does teach the transfer of web pages. Official notice is hereby taken that it is well known to one skilled in the art that a web page is a response by a server to a request because a web page must be requested by a client. Therefore it would have been obvious to one skilled in the art, to acknowledge a web page loaded onto a client as a response to a request by the client, since a web page is sent by a server as a response to a request from a client.

2. With regards to claims 2, 6, 10, 13 and 14, Challenger teaches the method wherein the cache disposed within the operating system kernel is a protocol object cache (Challenger's design allows for caches (*column 2, lines 5-8, Challenger*) (*column 5, lines 51-52, Challenger*)).

3. With regards to claims 3, 4, 7, 8 and 12, Challenger teaches the method wherein the application protocol request and the reply are formatted according to a hypertext transmission protocol (HTTP) (*Challenger's design allows for HTTPD (Figure 30A, Challenger). Hence, HTTP is supported*).

4. The obviousness statement applied to claims 1, 5, 9 and 11 are applicable to their respective dependent claims.

Remarks

The correspondence received on March 27, 2008 has been carefully examined but is not deemed fully persuasive. The following are the examiner's response to the applicant's contentions.

The first point of contention involves the claim language,"request" and "response". The applicant contends that the Challenger art fails to teach claim limitations of requesting and responding to the requests. In lieu of these concerns, the examiner has withdrawn finality and has changed the rejection from a 102 to a 103. Challenger does teach the transfer of web pages. Official notice is now taken that it is well known to one skilled in the art that a web page is a response by a server to a request because a web page must be requested by a client.

The second point of contention involves the claim limitation, a "response that can be displayed as a combination of a portion of the response that changes and a part of the response that is static." The applicant contends that the Challenger art fails to teach such a limitation, the examiner disagrees. The Challenger art teaches the updating of website content when the cached content is no longer valid (see column 2, lines 55-66 and column 13, line 65 – column 14, line 8, Challenger). This is equivalent to the claimed, "response that changes." The Challenger art also teaches that websites can contain static content (see column 2, line 56 – column 3, line 5 and column 13, lines 57-62, Challenger). This is equivalent to the claimed, "response that is static." The updated website data is held within various software objects. The fact that a website is updated

inherently means that the updated data can be viewed (column 2, line 51 – column 3, line 34, Challenger). Plus the updates are made possible through the various objects used in the design (column 9, line 60 – column 10, line 47, Challenger).

As per the final point of contention, the applicant contends that the Challenger art fails to teach the use of a kernel. The examiner disagrees with this assertion. Challenger's design uses computer and all current computers inherently require an operating system and all current operating systems inherently require a kernel; see column 5, lines 41-67, Challenger.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145